

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-00018-BO

MICHAEL S. BAREFOOT, individually,)
and d/b/a SECURITY AUTO SALES,)
SECURITY AUTO SALES, a North)
Carolina General Partnership,)
FRANKIE G. BAREFOOT in her capacity)
as general partner of Security Auto Sales,)
and MICHAEL S. BAREFOOT, in his)
capacity as general partner of)
Security Auto Sales,)
Plaintiffs,)

v.)

ORDER

SECURITY CREDIT CORPORATION,)
INC., KATHY CONWAY, DAVID LEE,)
AND LEO DAUGHTRY, all in their)
official capacities as shareholders, directors,)
officers, and managers,)
Defendants.)


This matter is before the Court on Defendants' Renewed Motion for Summary Judgment, Individual Defendants' Motion for Summary Judgment, and Defendants' Motion for Filing Perjurious Affidavits. For reasons stated herein, the Motion for Filing Perjurious Affidavits is DENIED and the motions for Summary Judgment are GRANTED.

Discussion

The Court finds that the Motions for Summary Judgment should be granted because all

matters being litigated in this proceeding could have been litigated and concluded in case No. 08-VCS-142 between the same parties in the Johnston County Superior Court on April 26, 2010. The prior judgment in that action now constitutes res judicata to this action. As there is no genuine issue as to any other material fact before the court, the present action is barred by the prior judgment and this action is dismissed on the merits.

SO ORDERED, this 19 day of September, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE